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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION

11 D'ANDRE POWELL, } Case No. 2:22-cv-02626-DOC-JDE
12 Plaintiff, }
13 v. } ORDER ACCEPTING FINDINGS
14 ROBERT LUNA, et al., } AND RECOMMENDATION OF
15 Defendants. } UNITED STATES MAGISTRATE
16 JUDGE
17

18 Pursuant to 28 U.S.C. § 636, the Court has reviewed the records on file,
19 including the operative Complaint (Dkt. 1) filed by D'Andre Powell
20 ("Plaintiff"), the Motion to Dismiss the Complaint (Dkt. 12, "Motion") and
21 Request for Judicial Notice (Dkt. 13, "RJN") filed by Defendants Robert Luna
22 and Eric Matusak ("Defendants"), and the Report and Recommendation of
23 the assigned United States Magistrate Judge (Dkt. 18, "Report"). No party
24 filed timely written objections to the Report. The Report and Recommendation
25 is approved and accepted.

26 Therefore, IT IS HEREBY ORDERED that:

- 27 1. The Motion (Dkt. 12) and RJN (Dkt. 13) are GRANTED and the
28 Complaint is dismissed with leave to amend as set forth below;

2. The DOE defendants named in the Complaint are dismissed without prejudice; and
3. If Plaintiff still desires to pursue this action, he is ORDERED to file a First Amended Complaint within thirty (30) days from the date of this Order attempting to remedy the deficiencies described in the Report, with any responsive pleading by Defendant to such First Amended Complaint due twenty-one (21) days after the filing of such First Amended Complaint. A failure by Plaintiff to timely file a complaint First Amended Complaint may result in dismissal of this action for failure to prosecute and/or failure to comply with a Court order. See Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

Dated: December 6, 2022



DAVID O. CARTER
United States District Judge